

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 25612 of 2007(Y)

ID.36/2004 of INDUSTRIAL TRIBUNAL, ALAPPUZHA
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PETITIONER:

GEETHA JAGANNATHAN,
W/O.LATE B.JAGANNATHAN, RESIDING AT C.C.40/9438,
ERNAKULAM VILLAGE, KANAYANOR TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.M.A.ASIF

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
LABOUR DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.
 2. THE DISTRICT LABOUR OFFICER,
CIVIL STATION, KAKKANAD,
KOCHI- 682 020.
 3. SUDHA SREEKUMAR,
C.C.XXIX/804 A, SRIJITH, L.M.PAILY ROAD,
VYTTILA, KOCHI-682019.

BY ADV. SRI.KKM.SHERIF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL
GOVERNMENT PLEADER SRI. A..J, VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)NO.25612/07

- EXT.P1: COPY OF THE AGREEMENT DATED 25.06.2001 ENTERED BETWEEN THE PETITIONER'S FIRM AND RANBAXY.
- EXT.P2: COPY OF THE G.O.(RT)NO.851/04/LBR DATED 25.03.2004.
- EXT.P2(A): TRUE COPY OF THE COMPLAINT DATED 3-07-2003 FILED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.
- EXT.P3: TRUE COPY OF THE TERMINATION NOTICE DATED 01-01.2004 ISSUED BY RANBAXY.
- EXT.P4: COPY OF THE COMPENSATION PAID TO THE 24 EMPLOYEES.
- EXT.P5: COPY OF THE MEDICAL TREATMENT HISTORY OF THE PETITIONER'S HUSBAND.
- EXT.P6: TRUE COPY OF THE AWARD DATED 21.11.2005 IN I.D. NO.36 OF 2004.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.25612 OF 2007

Dated this the 24th day of September, 2007

JUDGMENT

The petitioner is the management in I.D.No.36 of 2004 before the Industrial Tribunal, Alappuzha. The Tribunal passed Ext.P6 award in the said I.D. upholding the contentions of the workman involved in that Industrial Dispute. However, the same was an ex parte award. The petitioner submits that the petitioner could not appear on the date of evidence and hearing because of the illness of the petitioner's husband, who later died of cardiac failure. The petitioner therefore seeks an opportunity to contest the matter on merits.

2. With the help of the counter affidavit filed, the 3rd respondent stoutly opposes the prayer. According to the 3rd respondent, there is no bonafides in the petitioner's contentions since the alleged illness of the petitioner's husband was only subsequent to the date of hearing.

3. I have considered the rival contentions in detail. The award is dated 21.11.05. It is true that the petitioner's husband died of cardiac failure. In the circumstances, I feel that a lenient view can be taken in the matter especially since Ext.P6 award has been passed without the petitioner getting an opportunity to contest the matter on merits. However, this can only be on terms. Accordingly, the writ petition is disposed of with the following directions.

Ext.P6 award would stand set aside on the petitioner paying an amount of Rs.5,000/- (Rupees five thousand only) as costs to the 3rd respondent and producing proof of payment of the same before the Industrial Tribunal, Alappuzha. This shall be done within a period of two weeks from today. On the petitioner producing a certified copy of this judgment along with proof of payment of the costs to the 3rd respondent, the Industrial Tribunal shall restore the I.D. to the file and readjudicate it after affording an opportunity of adducing evidence to both sides. This is subject to the further condition that the petitioner shall be ready for going on with the I.D. on

the dates when the same is posted. However, if the petitioner fails to pay Rs.5,000/- as directed above within the said period of two weeks, Ext.P2 would stand confirmed.

S. SIRI JAGAN, JUDGE

Acd

